

Glen Strickland, Jr., #273860)	Civil Action No. 9:18-104-BHH
)	
Plaintiff,)	
)	
vs.)	
)	ORDER AND OPINION
Sgt. M. Blackwell, Sgt. Gaston, Ofc.)	
Tapp, Sgt. Marcus Russell, Unknown)	
Named Kershaw Sgt., Sgt. Williams, Ofc.)	
Rollins, Ofc. Baskins, Ofc. Anderson,)	
Ofc. Robinson, Ofc. Courtney, Sgt.)	
Mungo, Sgt. Mackey, Sgt. Beloe, Sgt.)	
Trusdale, Ofc. Blackeney, Lt. Davis, and)	
Ofc. Clifton D. Poteate,)	
)	
Defendants.)	
)	

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final

determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). In the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

After a careful review of the record, the applicable law, and the Report of the Magistrate Judge, the Court finds no error. Accordingly, the Court ACCEPTS and incorporates the Report (ECF No. 266) by reference into this Order.

It is therefore ORDERED that the complaint in this action is dismissed without prejudice and without issuance and service of process as to Defendants Sgt. Williams, Ofc. Robinson, Ofc. Courtney, Sgt. Mackey, Sgt. Beloe, Sgt. Trusdale, Lt. Davis and Ofc. Poteate. Only Defendants Sgt. Blackwell, Sgt. Gaston, Ofc. Tapp, Sgt. Russell, Unknown Named Kershaw Sgt., Ofc. Rollins, Ofc. Baskins, Ofc. Anderson, Sgt. Mungo, and Ofc. Blackeney remain. This matter is returned to the Magistrate Judge for further pretrial proceedings. It is further ORDERED that that the “food flap” claim is dismissed as a claim in this lawsuit.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

April 24, 2019
Charleston, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.